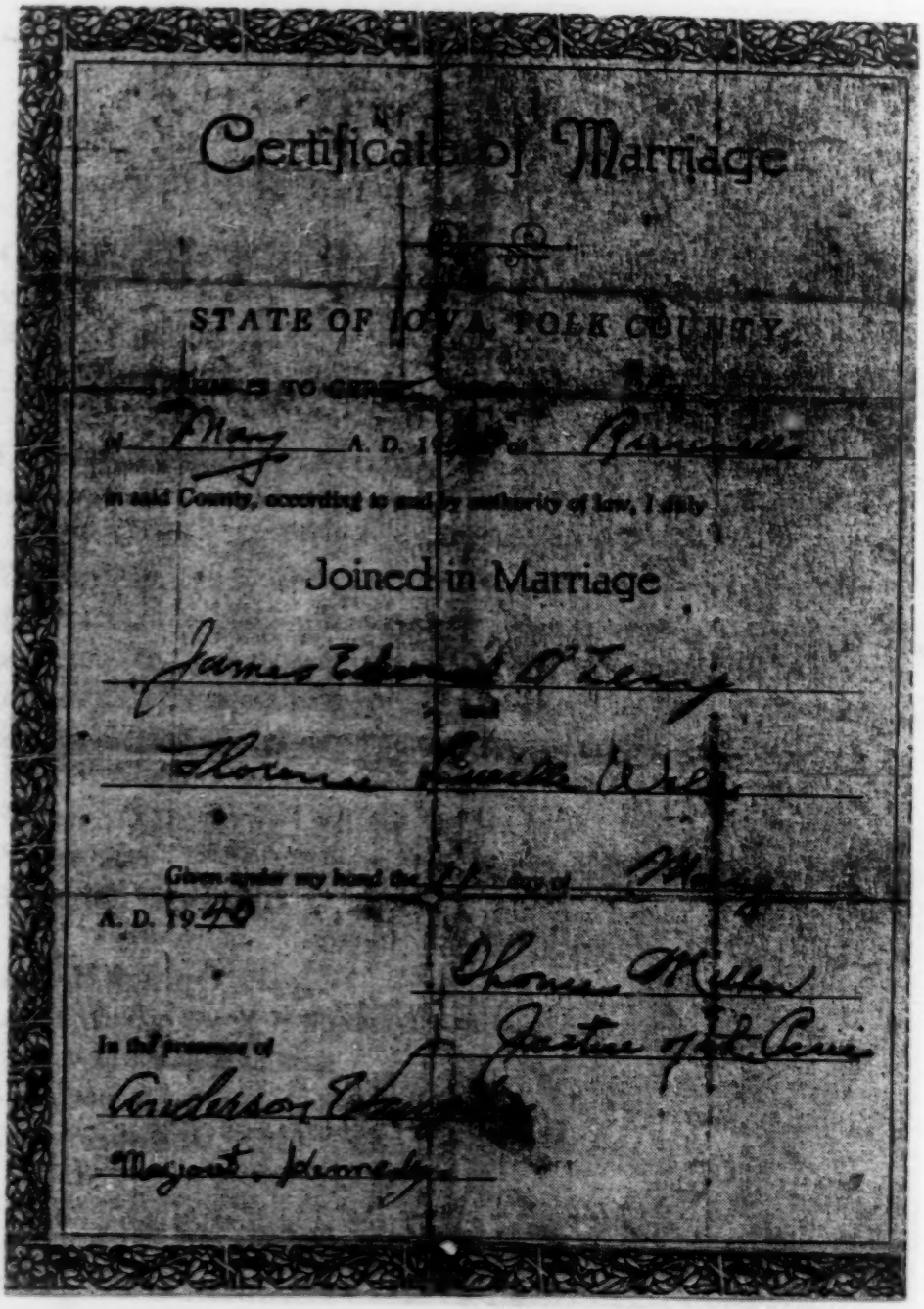

# Certificate of Marriage

STATE OF IOWA, POLK COUNTY,

I HEREBY CERTIFY

that on the [illegible] day of May A. D. 19[illegible] at Des Moines

in said County, according to said by authority of law, I duly

Joined in Marriage

James Edward O'Leary

and

Florence Estelle White

Given under my hand this [illegible] day of May

A. D. 1930

Thomas Miller

Justice of the Peace

In the presence of

Anderson Edwards

Margaret Kennedy

ndd

United States District Court
for the
Eastern District of California
October 3, 1997

* * CERTIFICATE OF SERVICE * *

2: 95-cv-02257

O'Leary
v.
Roman Catholic

---

I, the undersigned hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 3, 1997, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Florence O'Leary CL/EJG
P0 Box 206
Broadrick CA 95605

Barry H Spitzer
Law Office of Barry H Spitzer
2485 Natomas Park Drive
Suite 346
Sacramento, CA 95833

Jack L. Wagner

BY: _____
Deputy Clerk

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| | | |
|---|---|---|
| FLORENCE O'LEARY<br>Plaintiff/Appellant,<br><br>vs.<br>ROMAN CATHOLIC CHURCH<br>OF SACRAMENTO, et al.,<br>Defendants/Appellees. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>) | No. 96-16129<br>DC# CV-95-2257-EJG )<br>Eastern California<br>(Sacramento)<br>ORDER |

Before:BROWNING, THOMPSON and HAWKINS, Circuit Judges

Appellees' request for judicial notice is granted.
Appellees' "Motion to Dismiss Frivolous Appeal" is construed as a motion for summary affirmance under Ninth Cir. R. 3-6. A review of the record and appellant's opening brief indicate that the questions raised in this appeal are so insubstantial as not to need further argument. See United States v. Hooton, 693 F.2d 857 (9th Cir. 1982) (per curiam) . Accordingly, we summarily affirm the district court's dismissal of the action.

Appellees' motion for damages and costs is granted in part. We award appellees $1,500 in damages as a sanction against appellant for bringing a frivolous appeal. See Fed. R. App. P. 38 .

AFFIRMED

mocal/4.21.97/ch

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

---

NO. 96-16129
CT/AG#: CV-95-02257-EJG/JFM

FLORENCE O'LEARY
Plaintiff - Appellant

v.

ROMAN CATHOLIC CHURCH OF SACRAMENTO; THE IMMACULATE CONCEPTION CHURCH; FRANCIS A. QUINN, Bishop; OBISPO DE DIOCESEAN DE ASACRAMENTO; WILLIAM K. WEIGAND, Bishop; ROMAN CATHOLIC DIOCESE OF SACRAMENTO
Defendants - Appellees

---

APPEAL FROM the United States District Court for the Eastern District of California (Sacramento) .

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Eastern District of California (Sacramento)
and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the summary judgment of the said District Court in this cause be, and hereby is AFFIRMED

Files and entered April 24, 1997

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street, P. 0. Box 193939
San Francisco, CA 94119-3939

October 2, 1997

USDC, Sacramento
Eastern District of California (Sacramento)
2546 United States Courthouse
650 Capitol Mall
Sacramento, CA 95814

| C.A. NO. | TITLE | AGENCY / D.C. NO. |
|---|---|---|
| 96-16129 | O'Leary v. Roman Catholic | CV-95-02257-EJG/J |

Dear Clerk:

The following document(s) in the above listed cause(s) is (are) being sent to you under cover of this letter. Counsel are being served with a copy of this letter only.

[x] Certified copy of the Decree of the Court
[ ] Judgment of the National Labor Relations Board
[ ] Certified copy of the Entry of Dismissal

The record on appeal will follow under separate cover.

Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,

Cathy A. Catterson
Clerk of Court

Deputy Clerk

Enclosure(s)
cc: ALL COUNSEL, WITHOUT ENCLOSURES

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FLORENCE O'LEARY
Plaintiff - Appellant

v.

ROMAN CATHOLIC CHURCH OF SACRAMENTO; THE IMMACULATE CONCEPTION CHURCH; FRANCIS A. QUINN, Bishop; OBISPO DE DIOCESEAN DE ASACRAMENTO; WILLIAM K. WEIGAND, Bishop; ROMAN DIOCESE OF SACRAMENTO
Defendants - Appellees

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USCA NO.: 96-16129
DC#: CV-95-02257-EJG/JFM

The madate in this appeal was issued prematurely and is hereby recalled.

FOR THE COURT

Cathy A. Catterson
Clerk of Court

By: Ed Manual
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

| | | |
|---|---|---|
| Florence O'Leary | ) | No. 96-16129 |
| Plaintiff/Appellant, | ) | DC# CV-95-2257-EJG |
| v. | ) | Eastern California |
| ROMAN CATHOLIC | ) | |
| CHURCH OF SACRA- | ) | ORDER |
| MENTO, et al., | ) | |
| Defendants/Appellees. | ) | |
| | ) | |

Before: BROWNING, THOMPSON and HAWKINS, Circuit Judges

Appellees' request for judicial notice is granted.

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Appellees' motion for damages and costs is granted in part. We award appellees $1,500 in damages as a sanction against appellant for bringing a frivolous appeal. See Fed. R. App. P. 38.

AFFIRMED.

mocal/4.21.97/ch

CERTIFICATE OF SERVICE

CASE NAME - REVEREND FLORENCE O'LEARY
VS.
ROMAN CATHOLIC CHURCH

CASE NO. 96-16129

I CERTIFY THAT A COPY OF THE PETITION FOR WRIT OF CERTIORARI TO SUPREME COURT OF THE UNITED STATES AND ANY ATTACHMENTS WAS SERVED, WITHER IN PERSON OR BY MAIL, ON THE PERSONS LISTED BELOW.

LOUIS N. DESMOND

ROMAN CATHOLIC CHURCH

BARRY H. SPITZER ESQ.

1006 FOURTH STREET
SACRAMENTO, CA 95814

Rev Florence O'Leary

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

| | | |
|---|---|---|
| FLORENCE O'LEARY, | ) | No. 96-16129 |
| Plaintiff/Appellant, | ) | DC# Cv-95-2257-EJG |
| | ) | Eastern California |
| vs. | ) | (Sacramento) |
| ROMAN CATHOLIC | ) | |
| CHURCH OF | ) | ORDER |
| SACRAMENTO, | ) | |
| et al., | ) | |
| Defendants/Appellees. | ) | |
| | ) | |

Before:BROWNING, THOMPSON and HAWKINS, Circuit Judges

Appellant's motion for reconsideration is denied. See 9th Cir. R. 27-10. The suggestion for rehearing en banc is rejected. See General Order § 6.11. No further motions for reconsideration, rehearing, clarification, or stay of the mandate shall be filed or entertained in this closed docket.

misc/8.97/96.16129 (ch)

JAMES O'LEARY

PLAINTIFF,

VS.

CITY OF SACRAMENTO, A MUNICIPAL CORPORATION,

CITY OF WEST SACRAMENTO, A MUNICIPAL CORPORATION.

# Court seals the fate of one town's symbol

By JEAN PONESSA
GOVERNING MAGAZINE

Religion can be a part of a town's history, community or even its name, but it needs to stay off the city seal.

That's what a federal appeals court ruled when it declared unconstitutional the seals of two northeastern Illinois towns.

"Sectarian religious imagery simply has no place on municipal seals," a 7th U.S. Circuit Court of Appeals panel said.

In the case of Zion, Ill., a town of 19,000, the city seal includes a cross and a banner that reads "God Reigns." The seal was used by the religious community that founded the town in the 1800s.

Former Zion Mayor Adeline Geo-Karis, who also is a state senator, says the seal has been used for years without stifling religious diversity. Religion is part of the history of

• See Seals, Page A7

19

DATED: July 25, 1991

/ s / William B. Shubb
WILLIAM B. SHUBB
UNITED STATES
DISTRICT JUDGE